

SERVICE DATE – MARCH 26, 2013

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 463 (Sub-No. 1X)

**Alabama Railroad Co.—Abandonment Exemption—
In Monroe County, Ala.**

BACKGROUND

In this proceeding, Alabama Railroad Co. (ALAB) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of an approximately 7.42-mile rail line in Monroe County, Alabama. The line extends between milepost 655.2 (east of Route 21, in Tunnel Springs) and milepost 662.62 (west of Main Street, in Beatrice). A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, ALAB will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.¹

ENVIRONMENTAL REVIEW

The applicant submitted an Environmental Report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The applicant served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules at 49 C.F.R. § 1105.7(b).² The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

ALAB states that no freight service has been provided on the line for over two years, but portions of the line may have been used for freight car storage. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy

¹ ALAB states that the right-of-way would either be disposed of or easements would be relinquished.

² The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 463 (Sub-No. 1X).

resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

According to the railroad, the land adjoining the line consists of rural open lands, fields, rolling hills, and forested areas. There are eight public at-grade crossings on the line, five private at-grade crossings, and one grade separated crossing at State Route 21, where the line passes beneath the road. If abandonment authority is granted in this proceeding, ALAB plans to remove the rail and salvageable track material, including tie plates, fasteners, crossties, and, possibly, the upper layer of ballast. These proposed salvage activities would be performed within the right-of-way and via existing access routes. ALAB states that it does not intend to disturb the sub-grade or sub-grade structures, and the proposed salvage activities would not involve any excavation, grading, or other ground or soil disturbance.

The National Geodetic Survey (NGS) submitted comments stating that four geodetic survey markers are located in the area of the proposed abandonment. Accordingly, we recommend that the railroad consult with the NGS and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers.

ALAB requested comments from the U.S. Army Corps of Engineers (Corps) but has received no response to date. As stated above, the railroad does not intend to remove or appreciably alter the contour of the roadbed underlying the rail line, and disturbed areas will be limited to the right-of-way. The line crosses three streams or creeks, including Robinson Creek, but the railroad has no plans to undertake in-stream work or dredge and/or fill any materials in connection with the proposed abandonment. In addition, ALAB states that appropriate measures would be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering the waterways. Accordingly, OEA concurs with ALAB that the proposed abandonment would not require a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344).

The U.S. Fish and Wildlife Service (USFWS) submitted comments stating that the following threatened, endangered, and candidate species are found in the project area: Red Hills salamander (*Phaeognathus hubrichti*), Gopher tortoise (*Gopherus polyphemus*), Southern clubshell (*Pleurobema decisum*), Alabama pearlshell (*Margaritifera marrianae*). USFWS states that the proposed abandonment would have no impacts to these species if salvage operations are conducted within the right-of-way and there is no disturbance of the stream/creek bottom. In its Environmental Report, ALAB states that it would not be conducting any in stream work as part of the planned abandonment and that salvage activities would be conducted within the right-of-way. USFWS also recommends that the railroad utilize Best Management Practices in order to protect water quality. Accordingly, we recommend that ALAB ensure that Best Management Practices are followed during salvage activities.

ALAB consulted with the Alabama Department of Environmental Management's Coastal Program and determined that the proposed abandonment is not subject to the Alabama Coastal Management Plan. Accordingly, no mitigation regarding state coastal management consistency certification is necessary.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts.

Other Comments

As stated above, there are eight at-grade crossings on the line, and the Alabama Department of Transportation (Alabama DOT) has submitted comments expressing concern regarding the cost of removing tracks and related materials at roadway crossings, as well as the cost of repairing the roadway at crossings if the railroad leaves sub-grade structures in place. In the event the abandonment is granted, Alabama DOT states that it expects the railroad to remove tracks, crossing materials and signals located within the right-of-way and resurface the highway crossings to provide a safe and smooth roadway surface.

We note that, for environmental reviews of rail line abandonments, the Board's role is limited to the anticipated impacts of the abandonment proposal before the agency. This includes the diversion of traffic to other rail lines or transportation modes and the consequences of removing the track and related structures.³ The Board does not typically require the removal of track or structures when a line is approved for abandonment, and this appears to be a property or contract issue, which would be decided in accordance with state law. In a letter dated February 28, 2013, ALAB indicated that it is attempting to locate any relevant crossing agreements that may directly address who is responsible for the removal and restoration of crossings on the line.

HISTORIC REVIEW

ALAB served the Historic Report on the Alabama Historical Commission (the State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). There are three bridges on the line and one tunnel near milepost 657.2, which the railroad believes are likely 50 years old or older.⁴ However, based on available information, the SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. The SHPO did request any additional information that the railroad might have regarding the tunnel for its files, and in response, ALAB provided additional photographs of the tunnel and a description of the tunnel's basic technical specifications (design, internal structure, and dimensions).

³ Iowa Southern R. Co. – Exemption – Abandonment, 5 I.C.C.2d 496, 501 (1989), aff'd, Goos v. ICC, 911 F.2d 1283 (8th Cir. 1990).

⁴ ALAB states that it has no plans to remove any of these structures.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that no known historic properties listed in or eligible for inclusion in the National Register would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.⁵ The database indicated that the following tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way for the proposed abandonment: Eastern Band of Cherokee Indians of North Carolina and Muscogee (Creek) Nation, Oklahoma. Accordingly, OEA is sending a copy of this EA to those tribes for review and comment.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. Alabama Railroad Co. shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.
2. Alabama Railroad Co. shall ensure that Best Management Practices are followed during salvage activities.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is not necessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations and no salvage activities), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

⁵ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited March 5, 2013).

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAIL USE

In its Environmental Report, ALAB states that the right-of-way might be suitable for use as a recreational trail. A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's regulations at 49 C.F.R. § 1152.29.

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this EA, send **one original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Christa Stoebner, who prepared this EA. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 463 (Sub-No. 1X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Christa Stoebner, the environmental contact for this case, by phone at (202) 245-0299, fax at (202) 245-0454, or e-mail at christa.stoebner@stb.dot.gov.

Date made available to the public: March 26, 2013.

Comment due date: April 10, 2013.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment